

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2043 OF 1994

Namdeo Dhanaji Lonari, .. Petitioner

Vs

Chandrakant Dhanaji Lonari

and ors. .. Respondents

Mr M.S.Lagu for the petitioner.

Mr S.M.Miraj, for the respondents.

CORAM : D.B.BHOSALE, J.

DATE : 28.11.2005.

PC:

1. Heard the learned counsel for the parties.
2. This Court, while admitting the writ petition on 3.8.1994, had passed the following order :

1. "Heard both the learned counsel.
2. The dispute is about the disposal of the molasses pending the suit filed by the first two respondents in respect of the said molasses. Earlier, an order was passed on 22nd April, 1994 directing that 500 tones of molasses lying at the depot of Deccan Molasses Co at Tung was attached and the third defendant (present petitioner) was allowed to lift the same. There is no dispute before me that thereafter the petitioner has been

transposed as third plaintiff under order an order passed suo motu on the same day, on 3rd may 1994, the learned Judge has cancelled the order dated 22nd April, 1994.

3. Upon hearing the learned counsel for the parties, rule. Pending hearing and disposal of the writ petition, the parties are directed to maintain in respect of the molasses as of this date."

2. The learned counsel appearing for the parties are not in a position to state as to whether the suit bearing Regular Civil Suit No.138/1994 is still pending. I perused the impugned order as also the affidavits filed by the respondents and the affidavit filed by one Bhupal Antu Dige, respondent No.4 in particular. Looking to the nature of the subject matter and considering the reply affidavits, in my opinion, this petition has become infructuous and that is the reason why the parties are not responding to their advocates. The writ petition is accordingly disposed of, as infructuous.

(D.B.Bhosale, J.)